CONSUMER WATCHDOG
Jerry Flanagan (SBN: 271272)
jerry@consumerwatchdog.org
Benjamin Powell (SBN: 311624)
ben@consumerwatchdog.org
Ryan Mellino (SBN: 342497)
ryan@consumerwatchdog.org
6330 San Vicente Blvd., Suite 250
Los Angeles, CA 90048
Tel: (310) 392-0522
Fax: (310) 392-8874

LAW OFFICES OF KELLY AVILES
Kelly Aviles (SBN 257168)
kaviles@opengovlaw.com
1502 Foothill Blvd., Suite 103-140
La Verne, CA 91750
Tel: (909) 991-7560
Fax: (909) 991-7594

BLOOD HURST & O'REARDON, LLP
Timothy G. Blood (SBN: 149343)
TBlood@bholaw.com
501 W. Broadway, Suite 1490
San Diego, CA 92101
Tel: (619) 338-1100
Fax: (619) 338-1101

LOS ANGELES TIMES COMMUNICATIONS LLC
Jeff Glasser (SBN 252596)
jeff.glasser@latimes.com
2300 E. Imperial Highway
El Segundo, CA 90245
Tel: 213-237-7077

Attorneys for Applicants

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

IN RE APPLICATION OF CONSUMER WATCHDOG AND LOS ANGELES TIMES COMMUNICATIONS LLC TO UNSEAL COURT RECORDS

Case No. 24-cv-01650 SB

Related to Case Nos. 2:21-cr-540-SB, 2:22-cr-00009-SB, 2:21-CR-00559-PA, 2:21-CR-00572-FMO

APPLICANTS' REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF APPLICATION TO UNSEAL COURT RECORDS

Date: April 12, 2024
Time: 8:30 A.M.
Courtroom: 6C
Judge: Hon. Stanley Blumenfeld Jr.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Rules

SUMMARY OF ARGUMENT

The United States Attorney's Office ("USAO") agrees unsealing is warranted but raises potential grounds for redaction of certain information. While Applicants do not challenge many of the categories of redactions proposed in the Response Brief ("Response"), given the unprecedented scale and scope of corruption at the Los Angeles City Attorney's Office and the DWP, those redactions should be extremely limited. Access to the warrant materials is essential to enable the public to "keep a watchful eye on the workings of public agencies" regarding important matters of public concern, and to evaluate the charging decisions of the USAO. *United States v. Bus. of Custer Battlefield Museum & Store*, 658 F.3d 1188, 1192 n.4 (9th Cir. 2011).

The main dispute relates to the proposed redactions to protect the "privacy, reputational, and due process concerns" of uncharged City leadership entangled in the web of sham litigation, extortion, and subsequent cover-up by redacting their names and identities, including the names of former City Attorney Mike Feuer and a former member of the DWP Board of Commissioners. Response, 10:25–11:1. The USAO's position is contrary to both the law and public interest.

As the USAO acknowledges, post-investigation, the "approximately" 33 search warrants and supporting documents at issue here (the "warrant materials"),[1] Response, 4:4–5, are subject to "a strong presumption in favor of access" that can only be overcome by "compelling reasons . . . that outweigh . . . the public policies favoring disclosure." *Custer Battlefield Museum*, 658 F.3d at 1194–95. To justify withholding any portion of the warrant materials from the public, the Court must "articulate the factual basis [supporting the compelling interest in non-disclosure] ... without relying on hypothesis or conjecture." *Id.* at 1195. "It is not, and should not be, an easy matter to deny the public access to [judicial] documents . . . ." *Newsday LLC v. Cnty. of Nassau*, 730 F.3d 156, 167, n.15 (2d Cir. 2013).

[1] Application to Unseal ("Application"), Feb. 21, 2024, ECF No. 1, ¶ 1.

Applicants' and the public's interests in understanding the scandal are particularly acute given the number of credible, but as yet uncorroborated, allegations that members of the City Attorney's Office and DWP, including Mr. Feuer, were involved in directing and overseeing the creation of the sham lawsuit, ordering the extortion payment, and participating in the attempted cover-up. Application, ¶¶5, 21–25, 27–28, 31, 36, 38. As this Court aptly noted at the sentencing hearing for former Special Counsel Paul Paradis, the "level of corruption and the extent of it is mind-boggling." Application, ¶32. The scandal "corrupt[ed] the City Attorney's Office as well as the DWP" under Mr. Feuer's watch and "shattered public confidence in government and in the legal profession." *Id*. The only antidote for that shattered public confidence is comprehensive access to the warrant materials.

APPLICANTS' POSITIONS ON USAO'S PROPOSED REDACTIONS

Of the seven bases for redaction the USAO raised, Applicants dispute the USAO's proposed redactions regarding:

- "The names/identities of uncharged third parties who were then subjects of the federal investigation," including current and former City leadership. Response, 7:8–9.
- Statements made by FBI Agent Andy Civetti on the grounds that the statements are subject to Federal Rule of Evidence 6(e). Response, 7:13–15.

Applicants do not generally dispute the USAO's proposed redactions on the following four bases, but the Court should establish a reasonable procedure to ensure the redactions are the minimum required to protect compelling interests in non-disclosure. *United States v. Pinzon*, No. 2:15-CR-0181-GEB, 2016 WL 3447920, at *1 (E.D. Cal. June 23, 2016) ("Even where a measure of secrecy is appropriate, the 'guiding principle . . . is that as much information as possible should remain accessible to the public and no more should be sealed than absolutely necessary.'"):

- "The names/identities of confidential government informants and witnesses . . . . ," which the USAO has clarified does not include former Special

Counsel Paul Paradis or former Chief Assistant City Attorney Thomas Peters. Response, 7:10–12.

- "Confidential medical information…" Response, 7:16–17.
- "Personal identifying information…" Response, 7:19–21.
- Impeachment-related information regarding "specific federal agents" involved in the investigation that is "unrelated to the merits of potential charges in the underlying investigation." Response, 7:22–23, 18:11.

Finally, Applicants have concerns regarding the USAO's proposed redactions of "the names/identities of victims and intended victims of alleged crimes." Response, 7:18. Perplexingly, the USAO considers former Special Counsel Paul Kiesel, who himself was a key player in the underlying unethical and illegal activity, to be a "victim" of the extortion scheme that he participated in and helped to cover up. Response, 17:3–7. This illogical conclusion raises serious questions about the identities of the "other victims or intended victims of crimes" the USAO seeks to protect with its proposed redactions. Applicants request the Court establish a reasonable procedure to confirm that these other individuals were not, like Mr. Kiesel, involved in the underlying misconduct. The people of Los Angeles are the real victims of these crimes. It is their interests that the Court should protect.

ARGUMENT

I. Public Officials Involved in the Scandal Lack Privacy, Reputational, or Due Process Concerns Sufficiently Compelling to Overcome the Right to Access.

The USAO's lead argument is that the Court should redact the names and identities of uncharged third parties that were subjects of the government's investigation, but who were ultimately not charged with a crime, including Mr. Feuer and other City and DWP leadership.

The USAO's proposed set of redactions would frustrate the public's important right to know:

- Whether Mr. Feuer authorized the sham lawsuit, extortion payment, and cover-up. Application, ¶¶22–23, 25–27, 30–31.
- Whether Chief Deputy City Attorney Jim Clark, who retired in the midst of the government's investigation and continues to receive a $3,587-a-month pension from the City, "directed and authorized" the creation of the collusive litigation and the "entire strategy after clearing it with Mike Feuer." Application, ¶¶23, 29–31, 35, n.106.
- Whether Mr. Kiesel recouped the $800,000 extortion payment from public funds. Application, ¶26.
- What roles Mr. Feuer's Chief of Staff Leela Kapur and Senior Assistant City Attorney Joseph Brajevich played involved in the scandal. Application, ¶¶26–27, 35.
- Whether DWP leadership, including David Wright and David Alexander, knew about the sham litigation and cover-up. Application, ¶11.

Many other important questions remain. Application, ¶¶5, 21–25, 27–28, 31, 36, 38. As the Response acknowledges, the warrant materials can answer many of these questions, as they "identify and/or describe: many of the events/matters the government probed, including the collusive litigation scheme and subsequent cover up . . . City officials, private attorneys, and others whose conduct the government investigated . . . ." Response, 4:15–18.

However, according to the USAO, producing the warrant materials without the redactions will result in "stigma that implicates an individual's reputation interest." Response, 8:28. As a threshold matter, the USAO has failed to provide a sufficient factual basis to support non-disclosure. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). The USAO has not made more than "conclusory offerings" about the privacy, reputational, and due process interests of the uncharged third parties here, which "do not rise to the level of 'compelling reasons' sufficiently specific to bar the public access to the documents." *Id.* at 1181.

Nor has the USAO addressed that the exhaustive Special Master's Report and extensive public reporting already disclosed the identity and conduct of many individuals Applicants suspect the USAO will seek to redact, thereby greatly diminishing the reasons for redacting their identities here. *See*, *e.g.*, Application, ¶¶26–27, 34–35, n.13. The proposed redactions should be denied on this basis alone. *Kamakana*, 447 F.3d at 1182 ("[T]he proponent of sealing bears the burden with respect to sealing. A failure to meet that burden means that the default posture of public access prevails.").

Moreover, as noted in Applicants' Opening Brief at 11–16, when it comes to misconduct by public officials in the course of performing public duties, particularly officials occupying the upper echelons of the government like former City Attorney Mike Feuer, Chief Deputy City Attorney Jim Clark, Mr. Kiesel, and members of the DWP Board of Commissioners, there are no "privacy, reputational, and due process concerns" sufficiently compelling to overcome the strong presumption and interests in favor of public disclosure. In short, information concerning illegal and unethical behavior by public officials in the course of performing public duties (regardless of whether they were ultimately charged) is not the type of "scandal[ous]" information or "libelous statement[]" that may be appropriately shielded from the public view. *See Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978) (opining that the type of details for which there may be a compelling interest in non-disclosure include "painful and sometimes disgusting details of a of a divorce case" or "sources of business information that might harm a litigant's competitive standing.").

Thus, *In re McClatchy Newspapers, Inc.*, 288 F.3d 369, 373 (9th Cir. 2002) (emphasis added) held that a "high public official has no privacy interest in freedom from accusations, baseless though they may be, ***that touch on his conduct in public office or in his campaign for public office***." *See also Dobronski v. F.C.C.*, 17 F.3d 275, 279 (9th Cir. 1994) (while government employees have privacy interests in things like the "nondisclosure of information concerning the general state of their

health … this nominal privacy interest, in a FOIA case, does not overcome the public interest in disclosure of ***official misconduct***.") (emphasis added). Similarly, "injury to official reputation is an insufficient reason 'for repressing speech that would otherwise be free.'" *In re McClatchy Newspapers*, 288 F.3d at 374.

Furthermore, by their very nature, warrant materials are not the type of records that typically give rise to the privacy-related concerns raised by the USAO. The Central District previously found that warrant materials, "of necessity, contain detailed explanations of the suspected involvement of all persons named in the affidavit [and therefore t]he danger of unfounded character assassination [on uncharged third parties] in this context is not sufficient to constitute a compelling governmental interest in maintaining the secrecy of the documents." *United States v. Kott*, 380 F. Supp. 2d 1122, 25 (C.D. Cal. 2004) ("*Kott I*"); *see also In re Sealed Search Warrant*, No. 04-M-370 (DRH), 2006 WL 3690639, at *5 (N.D.N.Y. Dec. 11, 2006) (court refused to redact names of "two uncharged individuals identified" in warrant affidavits because (1) information in the affidavits was reported under oath by FBI agents, making it reasonably reliable and trustworthy, (2) information was not "salacious, sensational, or descriptive of private, embarrassing conduct unrelated to the…matters under investigation," (3) "it remains open to question whether their conduct was 'innocent,'" notwithstanding the lack of charges, and (4) "public funds were at stake" and the "individuals should have anticipated government scrutiny.").

On appeal, the Ninth Circuit found that *Kott I* had "carefully balanced the public's interests in unsealing search warrant materials . . . against the reputational and privacy concerns of Kott and other third-parties," and affirmed the district court's order unsealing warrant materials that identified and detailed the involvement of uncharged third parties. *United States v. Kott*, 135 F. App'x 69, 71 (9th Cir. 2005) ("*Kott II*"). *Kott II* distinguished *Times Mirror Co. v. United States*, 873 F.2d 1210 (9th Cir. 1989), relied on by the USAO, Response, 9:3–7, which had recognized "risks to third-parties when materials 'supply only the barest details of the

government's reasons for believing that an individual may be engaging in criminal activity.'" 135 F. App'x at 71. *Kott II* explained the "detailed explanations of the suspected involvement of all persons named" in the warrant materials negate those concerns. *Id.* Moreover, *Times Mirror* concerned warrant materials sought *during the course of an ongoing investigation*, which threatened to "frustrate criminal investigations." 873 F.2d at 1212–13.

The USAO failed to address the directly on-point *Kott* decisions, focusing instead on D.C. District Court jurisprudence, which has traditionally given more weight to purported privacy, reputational, and due process concerns to support government secrecy and is at odds with the approach of the Ninth Circuit. Indeed, one of the main cases USAO relies on, *In the Matter of the Application of WP Co. LLC*, 201 F. Supp. 3d 109, 123–24 (D.D.C. 2016), specifically distinguished and failed to follow the *Kott* cases on the exact issue here: uncharged individuals "being stigmatized" if named in government documents. Moreover, *In re Granick*, 388 F. Supp. 3d 1107, 1119–21 (N.D. Cal. 2019), where petitioners sought all materials across multiple unknown cases covering a 12-year period, is distinguishable, as the court there was substantially influenced by "considerations of significant manpower and public resources that would be expended just to identify and produce the subset of search warrant materials sought by Petitioners," which is not an issue here, where the warrant materials are clearly identified. Unlike the D.C. Circuit, in the Ninth Circuit, "'compelling reasons' sufficient to outweigh the public's interest in disclosure and justify [continued] sealing [of] court records exist when such 'court files might have become a vehicle for improper purposes' . . . [but t]he mere fact that the production of records may lead to a litigant's embarrassment, incrimination, or exposure to further litigation will not, without more, compel the court to seal its records." *Kamakana*, 447 F.3d at 1179.

Finally, the USAO argues that "DOJ policy generally forbids prosecutors from identifying uncharged third parties in public documents and hearings to protect

these same privacy and reputational interests." Response, 9, n.4. This is irrelevant, as an internal DOJ policy cannot be used to override the common law right of access. And in fact, the DOJ policy provides flexibility based on the facts of the case at hand. *See id.* (DOJ Manual directs federal prosecutors to generally "remain sensitive" to privacy).

The policy behind the DOJ rule—to avoid creating the imprimatur that an uncharged person is guilty of a crime—does not support redactions here. First, as noted above, the warrant materials reflect the actions of ***public officials and their agents in their performance of public duties, for which there are no sufficiently compelling privacy, reputational, or due process interests***. Second, Mr. Feuer has used an August 19, 2022 letter from the USAO stating he was no longer under investigation in multiple news stories to create the imprimatur of absolution by the USAO from all wrongdoing, whether illegal or unethical. Application, ¶14, citing to Flanagan Decl. Exhibits 15–16. Therefore, failing to provide the public access to unredacted records "would be the equivalent of giving a reader only every other chapter of a complicated book, distorting the story and making it impossible for the reader to put in context the information provided." *In re Special Proc.*, 842 F. Supp. 2d 232, 235 (D.D.C. 2012).

II. FBI Agent Civetti's Statements Are Not Subject to Disclosure Limitations Under FRCP 6(e).

The government also proposes redacting "grand jury material," including "statements commenting on grand jury testimony." Response, 5:3–4, 13:16. With this broad sweep, the USAO seeks to conceal from the public certain statements made in affidavits by FBI Agent Andy Civetti. Response, 15:3–20.

At his sentencing hearing, Mr. Paradis revealed that, in "at least two . . . affidavits," Agent Civetti stated "that Mike Feuer testified falsely and perjured himself before a United States grand jury." Application, ¶35. Mr. Paradis stated that Mr. Feuer "also made false statements to the FBI during interviews, and he testified

falsely in connection with his civil deposition." *Id*. Mr. Paradis further noted that "Mr. Brajevich, Ms. Kapur, Mr. Clark were also mentioned extensively." *Id.* This Court responded by acknowledging that "all that you are reporting were amply covered in the papers." *Id.* Mr. Paradis later spoke to reporters and confirmed that Agent Civetti's determination "involves extortion and it also involves when Feuer knew about the collusive scheme. He lied about both." *Id*.

The USAO attempts to reduce Applicants' argument about the impropriety of redacting Agent Civetti's statements to "'[t]he cat is out of the bag'" and thus, there is no more "need for Rule 6(e) protection." Response, 15:7–9. While the cat is clearly out of the bag, the USAO failed to acknowledge Applicants' primary argument that Agent Civetti's statements are not appropriately characterized as subject to Rule 6(e) protection in the first instance. Opening Brief, 17.[2]

Even if Agent Civetti's "statements commenting" that Mr. Feuer committed perjury before the grand jury, Response, 5:3–4, are "based on knowledge of the grand jury proceedings," they are outside the scope of Rule 6(e) if they do "not reveal the grand jury information on which [they are] based." *United States v. Smith*, 787 F.2d 111, 115 (3d Cir. 1986). In *In re Grand Jury Investigation*, 610 F.2d 202, 217 (5th Cir. 1980), the Fifth Circuit stated that "a statement of opinion as to an individual's potential criminal liability [does not] violate the dictates of Rule 6(e)…even though the opinion might be based on knowledge of the grand jury proceedings, provided ... the statement does not reveal the grand jury information on which it is based." That is precisely the context of Agent Civetti's opinion that Mr. Feuer perjured himself before the grand jury. Indeed, if, as USAO argues, Mr. Paradis's comments did not "reveal…the content of the grand jury testimony in question," Response, 15:15, then neither would Agent Civetti's opinion to the same effect "reveal the content."

[2] Moreover, USAO's argument that the "cat is still in the bag" because government attorneys did not disclose the information is incorrect—in *In re Charlotte Observer*, 921 F.2d 47, 50 (4th Cir. 1990), it was the judge who disclosed grand jury information.

To the extent Agent Civetti's statements quote grand jury testimony, the Court should utilize its inherent authority to order the statements produced without redaction. Opening Brief, 20:19–25. Although the Ninth Circuit has not yet adjudicated whether district courts have inherent authority to release protected grand jury information, *see McKeever v. Barr*, 140 S. Ct. 597, 598 (2020), it has favorably cited Justice Brennan's words of warning that:

> Grand jury secrecy is, of course, not an end in itself. Grand jury secrecy is maintained to serve particular ends. But when secrecy will not serve those ends or when the advantages gained by secrecy are outweighed by a countervailing interest in disclosure, secrecy may and should be lifted, for to do so in such a circumstance would further the fair administration of criminal justice.

U.S. Indus., Inc. v. U.S. Dist. Ct. for S. Dist. of Cal., Cent. Div., 345 F.2d 18, 22 (9th Cir. 1965) (*quoting Pittsburgh Plate Glass Co. v. United States*, 360 U.S. 395, 403 (1959)). Thus, it is reasonable to infer that the Ninth Circuit will follow the Second and Seventh Circuits that hold district courts possess the inherent authority to release grand jury matters. *See*, *e.g.*, *Carlson v. United States*, 837 F.3d 753, 766–767 (7th Cir. 2016); *In re Petition of Craig*, 131 F.3d 99, 105 (2d Cir. 1997). In *Craig*, the Second Circuit held that "in some situations historical or public interest alone [can] justify the release of grand jury information." 131 F.3d at 105. The court provided a "non-exhaustive list of factors that a trial court might want to consider":

> (i) the identity of the party seeking disclosure; (ii) whether the … government opposes the disclosure; (iii) why disclosure is being sought …; (iv) what specific information is being sought …; (v) how long ago the grand jury proceedings took place; (vi) the current status of the principals of the grand jury proceedings and that of their families; (vii) the extent to which the desired material—either permissibly or impermissibly—has been previously made public; (viii) whether witnesses to the grand jury proceedings who might be affected by disclosure are still alive; and (ix) the additional need for maintaining secrecy in the particular case in question.

Id. at 106.

On balance, these factors weigh strongly in favor of disclosure here. Though the government seeks to conceal aspects of the affidavits, the first, third, and fourth factors noted above strongly support disclosure here. Applicants are a public interest organization and major national newspaper seeking information regarding unethical and illegal conduct of top public officials that the public is highly interested in. Obtaining this information will "create a more complete public record of the… investigation, which [is a] worthy goal[]." *Carlson v. United States*, 109 F. Supp. 3d 1025, 1035 (N.D. Ill. 2015). The fifth factor does not weigh in either direction—while the grand jury investigation is over, only a short period of time has passed since. Regarding factor six, the "principals of the grand jury proceedings" were high-ranking public officials, further weighing in favor of disclosure. The seventh factor also weighs strongly in favor of disclosure, given that much of the "desired material…has been previously made public" in some shape or form. Finally, the reasons supporting grand jury secrecy in this particular case have largely fallen away in the context of the now-closed investigation, much of which has been made public.

III. Public Officials Who Engaged in Unethical and Criminal Behavior Are Not "Victims" Deserving of Privacy Protection.

The USAO argues, and Applicants do not dispute, that "Courts have long-recognized that victims' identities may be shielded from public access under certain circumstances." Response, 16:17–18. But the USAO then makes the perplexing claim that former Special Counsel Paul Kiesel, who was intimately involved in the sham litigation, extortion, and cover-up, Application, ¶¶8, 11, 23, 26, is himself a *victim* who deserves privacy protection concerning the extortion crime that he helped commit to cover up the sham litigation scheme:

> Besides former Special Counsel Paul Kiesel … the search warrant materials identify one or more other victims or intended victims of crimes. To protect their "dignity and privacy" as crime victims … the Court should authorize redactions . . . .

Response, 17:3–7.

These are not the sort of "circumstances" where "victims'" identities should be redacted. Given that Mr. Kiesel helped create the sham lawsuit that gave rise to the extortion demand, Application, ¶ 26, it is nonsensical to consider Mr. Kiesel a "victim" who deserves privacy protection. This line of reasoning raises significant concerns regarding the "other victims or intended victims of crimes" that the USAO seeks to protect. Response, 17:5. To the extent the Court entertains any "victim" redactions, Applicants urge the Court to review the proposed redactions before they are made in order to confirm their propriety, and to reject any redactions to the names of direct participants in the scandal, like Mr. Kiesel.

IV. The Court Should Not Redact Any Material Based on FRE 502(d).

The USAO's Response for the first time raises that "information ***arguably falling*** within the FRE 502(d) Orders [covering material gathered from the City Attorney's office] is interwoven throughout the search warrant materials," Declaration of Jamari Buxton, ¶ 13, which "implicat[es] ***potential*** privilege issues." Response, 3:9, emphasis added. Notably, the USAO does not seek any redactions on this basis, and the Court should not authorize any.

First, such "hypothesis or conjecture" about "potential privilege issues" does not provide a sufficient "factual basis" on which to justify redactions. *See Custer Battlefield Museum*, 658 F.3d at 1195.

Second, the attorney-client privilege may not be used to conceal unlawful activity, like that carried out by the City Attorney's Office and DWP, under the "crime-fraud exception." *United States v. Zolin*, 491 U.S. 554, 563 (1989).

CONCLUSION

Because there are no interests sufficiently compelling to overcome Applicants' and the public's right of access, the court should order the warrant materials unsealed with only the redactions indicated herein and establish a reasonable procedure to ensure that "'no more [is] sealed than absolutely necessary.'" *Pinzon*, 2016 WL 3447920 at *1. Applicants will be prepared to discuss at the hearing

procedures to ensure that any redactions are limited and appropriate, including the contents of a redaction/privilege log and *in camera* review of redacted documents.

Respectfully submitted,

Dated: March 21, 2024

CONSUMER WATCHDOG

/s/ Jerry Flanagan

Jerry Flanagan (SBN: 271272)
jerry@consumerwatchdog.org
Benjamin Powell (SBN: 311624)
ben@consumerwatchdog.org
Ryan Mellino (SBN: 342497)
ryan@consumerwatchdog.org
6330 San Vicente Blvd., Suite 250
Los Angeles, CA 90048
Tel: (310) 392-0522
Fax: (310) 392-8874

BLOOD HURST & O'REARDON, LLP

/s/ Timothy G. Blood

Timothy G. Blood (SBN: 149343)
TBlood@bholaw.com
501 W. Broadway, Suite 1490
San Diego, CA 92101
Tel: (619) 338-1100
Fax: (619) 338-1101

LAW OFFICES OF KELLY AVILES

/s/ Kelly Aviles

Kelly Aviles (SBN: 257168)
kaviles@opengovlaw.com
1502 Foothill Blvd., Suite 103-140
La Verne, CA 91750
Tel: (909) 991-7560
Fax: (909) 991-7594

LOS ANGELES TIMES COMMUNICATIONS LLC

/s/ Jeff Glasser
Jeff Glasser (SBN: 252596)
jeff.glasser@latimes.com
2300 E. Imperial Highway
El Segundo, CA 90245
Tel: 213-237-7077

Attorneys for Applicants

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 11-6.1

The undersigned, counsel of record for Applicants Consumer Watchdog and Los Angeles Times Communications LLC, certifies that this brief contains 3,994 words, which complies with the word limit of the Court's Standing Order for Civil Cases dated March 1, 2024. Executed on March 21, 2024.

/s/ Jerry Flanagan

Jerry Flanagan (SBN: 271272)
jerry@consumerwatchdog.org
Benjamin Powell (SBN: 311624)
ben@consumerwatchdog.org
Ryan Mellino (SBN: 342497)
ryan@consumerwatchdog.org
CONSUMER WATCHDOG
6330 San Vicente Blvd., Suite 250
Los Angeles, CA 90048
Tel: (310) 392-0522
Fax: (310) 392-8874

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2024, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses denoted on the attached Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 21, 2024.

/s/ Jerry Flanagan

Jerry Flanagan (SBN: 271272)
jerry@consumerwatchdog.org
CONSUMER WATCHDOG
6330 San Vicente Blvd., Suite 250
Los Angeles, CA 90048
Tel: (310) 392-0522
Fax: (310) 392-8874